

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

JOHN SWANN HOLDING CORP., derivatively,  
on behalf of CLUBCREATE, INC.,

Plaintiff,

against

COREY SIMMONS, CURTLAND FIELDS,  
ANNETTE STRICKLAND, and  
CLUBCREATE, INC.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:**  
**DATE FILED:** 12/11/2014

Case No. 13 Civ. 08619(AT)(JLC)

**ORDER TO SHOW CAUSE**

Upon the Supplemental Declaration of John J. Rosenberg dated December 9, 2014 (annexed hereto as Exhibit 1); the Memorandum of Law in support of plaintiff's Motion for Entry of Default, Issuance of Injunction and Scheduling of a Hearing on Damages (annexed hereto as Exhibit 2); the Declaration of John Swann dated December 10, 2014 (annexed hereto as Exhibit 3); the Complaint filed in this action on December 4, 2013 (annexed hereto as Exhibit 4); the Affirmation of Service thereof, filed with the Court on December 8, 2014 (annexed hereto as Exhibit 5); the Amended Complaint filed in this action on March 11, 2014 (annexed hereto as Exhibit 6); the Affirmation of Service thereof, filed with the Court on December 8, 2014 (annexed hereto as Exhibit 7); the Clerk's Certificate dated December 9, 2014, noting the default of defendant Corey Simmons ("Simmons") (annexed hereto as Exhibit 8); and all prior papers and proceedings had herein, it is hereby

**ORDERED** that defendant Simmons show cause before this Court, Hon. Analisa Torres, at the United States Courthouse, 500 Pearl Street, Courtroom 15D, New York, New York, on the

27 day of January, 2015, at 4:00 p.m., why an Order should not be issued (1) entering a default against Simmons pursuant to Rule 55 of the Federal Rules of Civil Procedure; (2) entering an immediate injunction restraining Simmons from continuing to act as an Officer and Director of ClubCreate, Inc. ("CCI") or otherwise participating in the management of CCI (see Proposed Interim Order of Injunction, annexed hereto as Exhibit 9); and (3) entering a default judgment against Simmons following a hearing with respect to damages, incorporating therein both an award of damages according to proof and a permanent injunction (see Proposed Default Judgment, annexed hereto as Exhibit 10); and for such other and further relief as the Court deems just and proper; and it is further

**ORDERED** that answering papers, if any, shall be served upon counsel for plaintiff, Matthew H. Giger, Esq., Rosenberg & Giger P.C., 250 Park Avenue, 12<sup>th</sup> Floor, New York, New York 10177, by FedEx overnight delivery or email sent to mgiger@rglawpc.com no later than the 23 day of January, 2015; and it is further

**ORDERED** that service of a copy of this Order to Show Cause and the supporting papers be made upon Simmons by personal service pursuant to N.Y. CPLR § 308 by **January 9, 2015**. An affidavit of service shall be filed by **January 16, 2015**.

SO ORDERED.

Dated: December 11, 2014

New York, New York



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ANALISA TORRES  
United States District Judge